



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

OFFICE OF THE
REGIONAL ADMINISTRATOR

March 8, 2022

Jim Macy, Director
Nebraska Department of Environment
and Energy
P.O. Box 98922
Lincoln, Nebraska 68509

Dear Director Macy:

At your request, the U.S. Environmental Protection Agency, Region 7, is reiterating its commitment and support to the Nebraska Department of Environment and Energy and the people of Nebraska for ensuring continued progress in the cleanup activities occurring at the AltEn, LLC facility in Mead, Nebraska. We believe continued focus should be on obtaining a formal commitment to remediation of the site in a way that is protective of human health and the environment over the long term. We appreciate the steps the state has taken to that end – including the attorney general filing a complaint against the company.

As you know, the EPA and NDEE have at various points collaborated on the issues posed by the AltEn facility, which used pesticide-treated seed to produce ethanol prior to shuttering in early 2021. The EPA first learned of the high levels of pesticide residues in wet distillers' grain (wet cake) when contacted by the Nebraska Department of Agriculture in 2019. The EPA subsequently coordinated with NDEE about the regulatory status of that material and offered continued support as NDEE, which is delegated the authority to implement air, water and waste programs, elected to remain the lead agency for regulation of the facility.

In 2020, NDEE and NDA jointly wrote to the EPA requesting technical assistance in evaluating whether residual pesticides in the wet cake could be managed in a way that would allow beneficial use of the material. Region 7 coordinated several calls with NDEE and NDA to share information and provide technical assistance and consulted with EPA's Office of Pesticide Programs on whether contaminated wastewater or wet cake could be land applied, resulting in the letters shared with your agency in November 2020 and January 2021.

The EPA also responded at NDEE's request when, in February 2021, a spill from one of AltEn's digesters occurred during an extreme cold weather event. The EPA provided on-site emergency response assistance, assessing the spill, collecting additional samples, and consulting on mitigation and cleanup efforts. In early 2021, the EPA provided support in engaging the seed companies that sent treated seed to AltEn regarding interim measures and broader remediation at the site. Through the rest of the year, the EPA supported occasional state data needs and provided technical evaluation of those aspects of the remediation proposals shared by the department. Though the agencies have not always agreed on the ultimate resolution of the technical issues discussed, we appreciate that NDEE considered our feedback.



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At NDEE's request, the EPA also conducted mobile air quality monitoring in September 2021, using the agency's Geospatial Measurement of Air Pollution vehicle around the AltEn and Mead Cattle facilities. The EPA's preliminary finding from this effort was that for the limited number of pollutants sampled using this technology, none were present in concentrations which pose an immediate health threat.

We stand ready to provide additional support as requested as NDEE oversees the seed company group's development and implementation of a Remedial Action Plan under the state's Voluntary Cleanup Program. Please let us know if we can be of assistance.

Sincerely,

**EDWARD
CHU**

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Edward H. Chu
Deputy Regional Administrator